

1894-087 Chancery Causes: Dennis Wells vs. Adm. of Manerva Cecil to
Lee Co.

Flanary

CA - Debt
T-African Americans
Property

Virginia:—

To the Honorable H. S. K. Morrison
Judge of Circuit Court of Lee County,

Humbly complaining your orator
would respectfully show unto your honor
on behalf of himself a simple Contract-
Creditor of Manerva Beeie late of Lee Co.
Va. deceased; that the said Manerva Beeie
departed this life on or about day of 1894
and was in her lifetime and at her death justly
and truly indebted unto Plaintiff, your orator
Dennis Wells in the Principal sum of \$250⁰⁰
dollars and upwards for moneys paid, laid
out and expended and for labor done in the
way of nursing, taking care of and providing
comfortable for the said Manerva Beeie during
her last sickness, covering a period of about
three years, for the use of the said Manerva
Beeie, That the said Manerva Beeie was in
her lifetime and at the time of her death
possessed of a small amount of personal
estate and property, not enough to satisfy all
her just debts, and funeral expenses, and
also was entitled and seized of certain real
estate lying and being in Lee Co. Va. near Beech
Spring and bounded by the lands of H. E. Edds
Charles Bushnell — Seals. That the said
Manerva Beeie being so seized and possessed
departed this life about the day of 1894
intestate, and without ever having been married
and without issue or any heirs at law or other
known to this Plaintiff, your orator 'Dennis'.

1 If she left any heirs they are unknown
2 and if such are entitled to such of her estate
3 as may remain after the payment of all debts
4 expenses of administration &c. That due
5 administration of the estate of the said Manerva
6 Cecil was duly granted to C. E. Flanary by the
7 County Court of Lu. Co., That under and by
8 virtue of his administration the said C. E.
9 Flanary hath become possessed of the whole
10 of the said intestate's personal estate and
11 effects and has paid out the same on the
12 debts of the said Manerva Cecil and that
13 \$41⁰⁰ dollars has been paid your Orator in part
14 discharge of his said debt but that the remain-
15 der thereof is yet justly due and owing unto him
16 and unpaid, And to this end your Orator asks
17 that the said Manerva Cecil's real estate of which
18 she died seized and possessed he sold and that
19 the proceeds of the sale become assets and be applied
20 in payment of your Orator's debt. In tender consid-
21 -eration whereof and for as much as your Orator
22 is nevertheless due by the aid of a Court of Equity
23 where matters of this nature are properly cognizable
24 and relivable, To the end therefore that justice
25 may be done in the premises your Orator prays
26 that the said C. E. Flanary as administrator of
27 the estate of the said Manerva Cecil &c. and the
28 Unknown heirs of the same be made parties
29 defendant to this bill and answer the same
30 on oath. That an account may be taken of
31 the said debts due your Orator & others if any
32 and which still remain unpaid and as the

1 personal estate is exhausted. That a decree
2 of this honorable Court may be had to
3 sell the said real estate and that all proper
4 parties may be decreed to join in such sale
5 and that the money to arise from such sale
6 be paid to your brother Benjamin Wells. and
7 that your brother and other Contract Creditors
8 of the said Monmouth be dec. may have such
9 further and other relief in the premises
10 as to the Court may seem meet and the
11 circumstances of the case require,

12 May sup. issue & etc. an order of publi-
13 cation be made against the Unknown heirs &
14 and he will ever pray &

15 M. G. Ely
16 P. D.
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$\$35.46$
 Estimate 4.28
 $\$39.74$
 Comr. 11.98

 $\$41.69$
 5.00

 $\$46.69$

Pack

184.

Dennis Hells (Cal) Plff

23 Bill in Chy.

C. E. Flanary et al. Depo

1892 1st Octo. Rules
Bill filed & space
opted by home left
V.D. Vissas to him
order Pub. against
non residents Boston

11 2^o Octo Rules of Uni
 Coupled order Pack Com
 pleted & came out
 for hearing by J. J.

11 noon Continued

1893 March Deer Point.

11 June

11

1622

1 E 85 2 15

Demus Hells (Col) Deft-

vs $\frac{1}{2}$ Deem-

C. E. Flanary Admin et al vs Deft.

This cause came on this day to be heard upon the papers formerly read in this cause, and report of Commissioner W. A. Orr and was argued by counsel: Upon consideration of which, it is adjudged, ordered and decreed that said report be confirmed - And it appearing that the purchase money has been fully paid, the purchaser, R. F. Chance, has leave to withdraw said deed from the papers in the cause for recordation and the cause is stricken from the docket.

Deer's Wills peff

ns}} Deer.

C. E. Flanagan Am. Det.

E. C. D. B. Page 565-

March 9th 1894

Enter this

1894

March 8th 1894,

Jennus Wells (Col) Plff.

VS Deere

C. E. Flanary Admr. et als Defs

This cause came on this day to be further heard upon the papers formerly read and the report of the sale made by the Commissioner W. A. Orr, pursuant to the decretal order of the 8th. of June 1893 last, to which there is no exception and was argued by counsel.

On consideration. whereof, the Court approving and confirming the said report, doth adjudge, order and decree that the said Commissioner do convey to the said Peter F. Chance with special warranty the said lands sold and report his acts to the next term of this Court and the cause is continued.

Janus Wells. Cal's Peff

VB { { Deere confirming
{ { sale.

C. E. Flanagan & Co. et al

Entered Ch. O. B. P. 5/16
Nov. 11th 1893.

Enter this -

Nov. 18th 1893

H. L. K. M.

If an account of I would be my self - costs,
which must be paid in cash

1 Dennis Wells Plff
2 vs J. D. Leby
3 L. E. Flanery, Shff & Adms et al
4 This Cause came on this
5 day to be heard upon the papers
6 formerly read in the cause, and
7 the Report of J. A. G. Hyatt, Commissioner
8 in Chancery, and was argued by
9 Counsel; and it appearing that said
10 Report has been filed the time required
11 by law, the same is hereby confirmed.
12 And it appearing from said report
13 that the rents and profits of the land in
14 the case mentioned will not rent for
15 enough to pay the plaintiffs debt and the
16 costs of this suit in five years,
17 the Court adjudges, orders and decrees
18 that John A. Or ~~that~~ who is hereby appointed
19 a Commissioner for the purpose do
20 sell the land in this cause described
21 ~~for cash~~ ^{or so much as is necessary to pay Plffs debt & costs} on some Court-day, at
22 the front door of the Court-house of
23 Lee County, at public out cry, after
24 having advertised for 30 days the
25 time, place and terms of sale
26 by posting written notice in the
27 vicinity of the land and at
28 the front door of the Court-house
29 purchasers must give security for disbursements
30 of Lee County. He will first
31 execute bond pursuant to Law
32 in the sum of \$150.00,
+ he will report to Court, and
the cause is continued.

Sumner Wells

vs. Sumner for Sale

E. C. Flannery Administrator

Entered on O. T. S.

Page 489.

June 8, 1893

J. A. L. Styan

Enter this sum

June 8th 1893

J. A. L. Styan

Thomas Willard Plff.

J. L. Okey

G. E. Flannery, Admrs & Est ab Defts

This cause came on this day to be heard upon the Bill of the plaintiff and was argued by counsel; and it appearing to the Court that process has been executed upon the horse defendants, and that our Order of Publication has been made and completed against the now-resident defendants, and each and all of them having failed to appear and plead to or answer the plaintiffs bill the same is taken for confessed. And the Court doth adjudge, order and decree that John A. J. Hyatt, one of the Commissioners of this Court, do state an account of the indebtedness of Minerva Lee, deceased; and that he also report whether or not there is any fund in the Administrators hands with which to pay debts. He will give notice of the time and place of his action, and shall report to the next term of this Court, and the cause is continued.

Anna Miller Ref

1833 Deer

W. H. May et al. Del

Entered Ohio

93 page 454

March 10 1883

J. H. Hyatt

Enter this March 18

W. H. May

Camrs Office Jonesville Va
May 12th 1893

Dennis Wells

Plff

vs
J. W. Leaning

C. E. Flannery Admr et al Defts

To the Hon. H. S. L. Morrison
Judge of the Circuit Court for Lee
County.

Your undersigned
Commissioner, in obedience
to the requirements of a decree
entered in the above styled
Cause, March 10th 1893.

Respectfully reports that
he advertised, by posting notices
at Lumbow, Boons Path and
at the Court house door
asking or notifying all creditors
to present their claims against
Minerva Cecil (old) decd on the
12th May 1893 at my office in
the town of Jonesville Va
and also calling on C. E. Flannery
Admr. of said decedent to give
an account of his administration
of her estate.

And on said day and place
C. E. Flannery as such Admr, referred
me to his final settlement as
Admr. of said Minerva Cecil decd

Now on file and of record in the Lee County Courts Clerk's office which shows that he had fully disbursed and accounted for all the funds which came to his hands as such Administrator hence he had nothing in hand to pay further on the indebtedness of said decedent.

And no other creditor except the Plff in this suit offering any claim against said Estate, Your Court takes it that the claim herein sought to be collected is the only one against said Estate.

The land owned by said decedent at her death is only a small tract, and has but little ^{rental} value, hence will have to be sold to satisfy the claim here sought to be collected which is fully set out in said Bill and amounts to about 209\$ with its accrued interest.

Respectfully
J. A. Syatt
Cmr.

Deems Wells.
vs Courts
Report
C. E. Flanagan Amr
Filed May 13th 1893.
J. A. S. Byatt

Courts Fee 5¢

Dunn's Mills (Cob)

vs

} In Chancery

C. E. Flanary Sheriff & Admin et al

To the Hon. H. S. K. Morrisson, Judge of
Circuit Court of Lin County, Virginia.

Your undersigned Commissioner
here leave to Report- that he has dis-
charged the duties assigned him
by your Honor's decree which was
pronounced at the last term of this
Court-; that at the August-term of
the County Court for Lin County, and
on the 1st- day thereof, he sold the
land in this cause mentioned,
being about 24 acres, to Peter F.
Chana, he being the only bidder,
at the price of \$46. 69- this being
the amount of the costs of suit it
was paid down. Your com. paid
M. A. Ely, ~~this~~ Atty, the sum of \$15⁰⁰
& he files his receipt marked "Ovs",
and he paid J. A. G. Hyatt as Clerk
& as assignee of A. C. Coleman,
Printer, the sum of \$20 46, & he
files his receipt marked "two".
Respectfully Submitted,
Wm. G. Connor.

Wm A. Orr's Rpt of Sale
Senior Trusts (Cal)

vs } Dr Chy

Chas. E. Flanagan Sheriff Cal

Filed Aug 28th 1893

AB Munsey
cc

Received of M^{rs} A. Orr, Special
Commissioner in the Chancery Cause
of Demos Wells (et al) against L. E.
Flanery, Adams, & others now pending
in the Circuit Court of Lee County,
Va the sum of \$10.⁴⁶ as clerk
+ \$5.⁰⁰ the order of p^{ro} p^{ro} assigned by H. C. Coleman,
of said Court, and the sum of \$5.⁰⁰
as commissions of said cause
This August 21st 1893.

J. A. Syatt, late
C. C.

\$10.46
Court 5.00
D 5.00
\$20.46

J. A. A. Hyatt
C. C.

20th Sept 1870

18th A. Orr.
Cord

"Zoo"

Amos Wells (Cald) Plff.

vs In Superior Court
B. E. Hanay Adm et al Defs

Receives of Wm A. Orr
Special Commissions in the above
style cause fifteen dollars, the
attorneys fee being therein.
This August 2nd / 1873.

M. S. Ely atty

M. A. Cady, Atty.

To Rapt-
Wm. A. Orr, Comd

("One")

Wells
vs

Flanny Adams et al

James Wells (Cal.) } In chg
vs }

C. C. Flannery

To the Hon. H. S. K. Morrison, Judge of
the Circuit Court of Lu. Co., Va.

Your undersigned Special Commissioner
herein to report that he has this day
executed as due to Peter F. Bohner
pursuant to the decree of your
honor entered in this cause on
the 11th day of Novr, 1893.

This Dec. 5th 1893.

Respectfully Submitted.

Wm A. Orr.
S. Comm.

Minor bills (cash)

v. of Report & Ind

C. E. Flannery Adm. at al

Filed Dec. 6th 1893

J. A. Hyatt D.C.

KNOW ALL MEN BY THESE PRESENTS, That we *William A Orr*
+ *M. G. Ely*
are held and firmly bound unto the Commonwealth of Virginia, in the sum of

one hundred & fifty dollars, to the payment whereof, well and truly
to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our
and each of our heirs, executors and administrators, jointly and severally, firmly by these
presents, hereby waiving the benefit of our homestead exemptions as to this obligation,
and any claim, right, or privilege to discharge any liability arising under this bond, or by
virtue of said office or trust, in any currency, funds, counter claims or offsets other than
legal-tender currency of United States. Sealed with our seals, and dated *5th* day
of *July*, one thousand eight hundred and *ninety three*

The Condition of The Above Obligation is Such, That if the above bound
William A Orr
shall faithfully perform the duties of *his* office or trust, as *Cour*

under a decree of the Circuit Court of the County of Lee, pronounced on the *8th*
day of *June*, 1893, in the suit therein depending
under the name and style of *Dennis Wells* *Colt* Plaintiff
vs. *C. E. Flannery* Defendant

and properly account for all sums of money *he* may receive as
such *Cour*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of *Wm A Orr* (SEAL.)

M. G. Ely (SEAL.)

(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day *M G Ely*
surety *7* on the above bond, made oath before me *J. A. G. Heat*, Clerk of the Circuit
Court of the County of Lee, that *his* *A. B. Munsey*
estate after the payment of all *his* just debts, and those
for which *he* bound as security *7* for others, and expect to have
to pay *is* worth the sum of *one hundred & fifty*
dollars.

Given under my hand this *17th* day of *July* 1893
Teste: *A. B. Munsey* Clerk

Dennis Wells
} Bonds
vs } L E Flannery

Filed July 17th 1893

A B Munsey
Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

Dennis Wells (Cold)
against

Plaintiff

Edw. Wiley

W. E. Flanagan, Tutor &c and the
unknown heirs of Manerva Cecil deed Defendants

This day W. G. Ely personally appeared
before me, J. A. Hyatt Clerk of the said Court,

and being duly sworn, made oath that the heirs of Manerva Cecil
Cold deed are unknown and as such
defendants in the said suit are not residents of the State of Virginia.

Given under my hand as Clerk of the said Court, this 24th day of September
1892.

J. A. Hyatt

Dennis Wells

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

*C. E. Harvey, Adm.
et al*

M. G. Eely p. q.

Filed Sept. 24/82

In the Clerk's Office of the Circuit Court of the County of
Lee on the *24th* day of *September* 18*92*

Samuel Wells (Cald)
against

Plaintiff

In Rehe

E. E. Flanagan Admr &c and the
Unknown heirs of Manron Cecil dead
Defendant

Defendant

The object of this suit is to *obtain a decree to sell the lands*
in the Bill mentioned, to have an account
taken of the indebtedness of said Est and
priorities if any exist,

And an affidavit having been made and filed that the defendant *the heirs of Manron*
Cecil dead are unknown and

not resident of the State of Virginia, it is ordered that *they* do appear here, within *fifteen days*
after due publication hereof, and do what may be necessary to protect *their* interest in this suit. And

it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County*
Republican, and that a copy be posted at the front door of the court-house of this *County*
on the first day of the next term of the *County* Court.

A copy—Teste :

M. G. Ely

p. q.

J. A. Hyatt

Clerk.

Lemmus Kelly

vs. }

ORDER OF
PUBLICATION.

— Cecil

The Commonwaalth of Virginia.

TO THE SHERIFF OF LEE COUNTY GREETING:

We Command You to Summon

R. E. Flannery Adams
of *Magnerva Cecil Caldwell* and the
husband heirs of the said
Magnerva Cecil Caldwell

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in
October next being rule day to answer a bill in Chancery exhibited in our said Court against

Adams by *Dennis Wells Caldwell*

And have then and there this writ Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This *26th*
Sept day of *1892* in the 11th year of the Commonwealth.

A Copy Teste

J. A. G. Hyatt Clerk.

L. &

Dennis Wells

3 Spa. riv

vs 3 Chaney

C. E. Flanagan

So 1st Octo, Rules 1892

I accept legal
service of this

Spa. - Sept 26ⁿ
1892.

C. E. Flanagan & Co

+ Allen Maurer & Co

In the clerk's office of the circuit court
of the county of Lee on the 24th day of
September 1892.

Dennis Wells, (col'd) plff.

In

vs.

C. E. Flanary, admr &c. and
the unknown heirs of Maner-
va Cecil, dec'd, defendants.

} Chan-
cery

The object of this suit is to obtain a
decree to sell the land in the Bill men-
tioned, to have an account taken of the
indebtedness of said estate and priorities
if any exist. And an affidavit having
been made and filed that the defendants
the heirs of Manerva Cecil, dec'd are un-
known and are not residents of the State
of Virginia, it is ordered that they do ap-
pear here, within fifteen days after due
publication hereof, and do what may be
necessary to protect their interest in this
suit. And it is further ordered that a
copy hereof be published once a week
for four weeks in the Lee County Re-
publican, and that a copy be posted at
the front door of the courthouse of this
county on the first day of the next term
of the county court. A copy—teste:

J. A. G. Hyatt, circuit clerk.

M. G. Ely, p. q.

se 29-tttt

Printer's fee \$5 00

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-

paper, printed in the town of Jonesville,

in the county of Lee, Virginia, do here-

by certify that the foregoing order of

publication was duly published in said

paper for four successive weeks, from

and after the 22 day of Sept.

1892 Ending on the 29 day of Oct.

1892

Geo. C. Coleman,

Editor and Publisher.

Dennis Wells

3 Printers

no 3 Certificate

L. E. Flanagan et al

I certify that I
posted a copy of
this order on Lee
County Court House
on the first day
of October Term
1892 of the County
Court. J. A. S. Hyatt

Two fees \$5.00